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REPORT
No. 97-867

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ALCOHOL TRAFFIC SAFETY AND NATIONAL DRIVER REGISTER

SEPTEMBER 23, 1982.—Ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 6170]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 6170) to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I

ALCOHOL TRAFFIC SAFETY

SEC. 101. Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(k)(1) Subject to the provisions of this subsection, in addition to other grants authorized by this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol. Such grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to implement and enforce such programs.

"(2) No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

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"(3) No State may receive grants under this subsection in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(A) in the first fiscal year the State receives a grant under this subsection, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol traffic safety program adopted by the State pursuant to paragraph (1);

"(B) in the second fiscal year the State receives a grant under this subsection, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

"(C) in the third fiscal year the State receives a grant under this subsection, 25 per centum of the cost of implementing and enforcing in such fiscal year such program;

except that the Secretary may not make grants under this subsection to a State in any fiscal year the aggregate amounts of which exceed 50 per centum of the amount apportioned to such State for such fiscal year under subsection (c) of this section.

"(4) The Secretary may only establish the criteria required by paragraph (1) in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate. In establishing such criteria, the Secretary shall consider legislation which enhances the implementation of comprehensive State and community-based programs to effectively reduce traffic safety problems resulting from persons driving while under the influence of alcohol with provisions such as enhanced enforcement supported by public information; enactment of a statute providing that a person with a blood alcohol concentration of .10 per centum or greater when driving a vehicle shall be deemed to be driving while intoxicated; a statewide driver record system from which repeat offenders may be identified and which is easily accessible to the courts and the public; administrative suspension or revocation by the State licensing agency of the driver's license of each offender; empowering the courts to make recommendations concerning suspension or revocation of drivers' licenses of offenders; providing the courts with presentence screening authority and with the following sanction options for all persons convicted of driving while intoxicated: community service, fines, imprisonment, and attendance in either an alcohol safety education or treatment program; and providing for locally coordinated alcohol traffic safety programs in each major political subdivision of the State which are administered by local officials and are financially self-sufficient.

"(5) Funds for grants under this subsection shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, $25,000,000 for fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985. No part of the sums authorized by this subsection shall be apportioned as provided in subsection (c).".

REGULATIONS

SEC. 102. The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement subsection (k) of section 402 of title 23, United States Code, as added by section 101 of this Act, not later than September 1, 1982. The Secretary shall allow public comment and hold public hearings on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued, published in the Federal Register, and transmitted to Congress before February 1, 1983. Such regulations shall become effective April 1, 1983, unless before such date either House of Congress by resolution disapproves such regulations. If such regulations are disapproved by either House of Congress, the Secretary shall not obligate any amount authorized to carry out this section for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of this Act.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "National Driver Register Act of 1982".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) the term "Advisory Committee" means the National Driver Register Advisory Committee established in section 209(a);

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(2) the term "alcohol" has the meaning given such term by the secretary of transportation under regulations prescribed by the secretary;

(3) the term "chief driver licensing official" means the official in each State who is authorized to (A) maintain any record regarding any motor vehicle operator's license issued by such State; and (B) grant, deny, revoke, or cancel any motor vehicle operator's license issued by such State;

(4) the term "controlled substance" has the meaning given such term in section 102(6) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6));

(5) the term "highway" means any road or street;

(6) the term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway, except that such term does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail or rails;

(7) the term "motor vehicle operator's license" means any license issued by a State that authorizes an individual to operate a motor vehicle on a highway;

(8) the term "participating State" means any State that has notified the Secretary of its participation in the Register system, pursuant to section 205;

(9) the term "Register" means the National Driver Register established under section 204(a);

(10) the term "Secretary" means the Secretary of Transportation;

(11) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(12) the term "State of record" means any State that has transmitted to the Secretary, pursuant to section 206, any report regarding any individual who is the subject of a request for information made under section 207.

REPEAL OF EXISTING STATUTE

SEC. 203. The Act entitled "An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked", approved July 14, 1960 (Public Law 86-660; 74 Stat. 526), hereby is repealed, effective at the expiration of the four-year period following the date of the enactment of this Act.

ESTABLISHMENT OF REGISTER

SEC. 204. (a) The Secretary shall establish and maintain a register to be known as the "National Driver Register", to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The Register shall contain an index of the information that is reported to the Secretary under section 206, and shall be designed to enable the Secretary to—

(1) electronically receive any request for information made by the chief driver licensing official of any participating State under section 207;

(2) electronically refer such request to the chief driver licensing official of any State of record; and

(3) electronically relay to such chief driver licensing official of a participating State any information provided by any chief driver licensing official of a State of record in response to such request.

(b) The Secretary shall not be responsible for the accuracy of any information relayed to the chief driver licensing official of any participating State under subsection (a)(3), except that the Secretary shall maintain the Register in a manner that ensures against any inadvertent alteration of such information during such relay.

(c)(1) The Secretary shall determine whether any information contained in any record maintained under the Act described in section 203 shall be maintained in the Register, except that no such information shall be maintained in the Register after the expiration of the six-year period following the date of the enactment of this Act if maintaining such information is inconsistent with the provisions of this title. Any other record maintained under the Act described in section 203 shall be disposed of in accordance with chapter 33 of title 44, United States Code.

(2) The Secretary shall not maintain any report or information in the Register for more than a seven-year period after the date of such report or information is entered into the Register. Such report or information shall be disposed of in accordance with chapter 33 of title 44, United States Code.

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(d) The Secretary shall assign to the administration of this title such personnel as may be necessary to ensure the effective functioning of the Register system.

(e) The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

STATE PARTICIPATION

SEC. 205. (a) Any State may become a participating State under this title by notifying the Secretary of its intention to be bound by the provisions of section 206.

(b) Any participating State may terminate its status as a participating State under this title by notifying the Secretary of its withdrawal from participation in the Register system.

(c) Any notification made by a State under subsection (a) or (b) shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

SEC. 206. (a) The chief driver licensing official in each participating State shall, before the end of the applicable period established in subsection (c), transmit to the Secretary a report containing the information required in subsection (b) regarding any individual who—

(1) is denied a motor vehicle operator's license by such State, or is granted such a license by such State following such denial;

(2) has his motor vehicle operator's license canceled, revoked, or suspended by such State, or has such license reinstated following such cancellation, revocation, or suspension; or

(3) is convicted in such State of, or, following such conviction, is acquitted or pardoned of—

(A) a traffic offense comprising the operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance;

(B) a traffic offense associated with a fatal traffic accident, reckless driving, or racing on the highways; or

(C) any other traffic offense, if the Secretary determines, in accordance with regulations prescribed by the Secretary, that information regarding any individual who is convicted of such traffic offense should be listed in the Register in order to assist any person authorized by section 207 to receive information by means of the Register system.

(b) Any report regarding an individual that is transmitted by a chief driver licensing official pursuant to subsection (a) shall contain—

(1) the legal name, date of birth (including day, month, and year), and sex of such individual;

(2) the name of the State transmitting such report; and

(3) the social security account number and the motor vehicle operator's license number of such individual; except that any report, concerning an occurrence specified in paragraph (1), (2), or (3) of subsection (a) that occurs during the two-year period preceding the date on which such State becomes a participating State, shall be sufficient if it contains all such information that is available to such chief driver licensing official on such date.

(c) Any report required to be transmitted by a chief driver licensing official of a State under subsection (a) shall be transmitted to the Secretary—

(1) not later than thirty days after any occurrence specified in paragraph (1), (2), or (3) of subsection (a) that is the subject of such report, if the date of such occurrence is after the date on which such State becomes a participating State; or

(2) not later than the expiration of the two-year period following the date on which such State becomes a participating State, if such report concerns an occurrence specified in paragraph (1), (2), or (3) of subsection (a) that occurs during the two-year period preceding such date.

(d) Nothing in this section shall be construed to require any State to report any information concerning any occurrence that occurs before the two-year period preceding the date on which such State becomes a participating State.

ACCESSIBILITY OF REGISTER INFORMATION

SEC. 207. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or highway safety, any chief driver licensing official of a participating State may request the Secretary to electronically refer any request for in-

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formation regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

(2) The Secretary shall electronically relay to any chief driver licensing official of a participating State who requests information under paragraph (1) any information received from the chief driver licensing official of any State of record regarding an individual identified pursuant to paragraph (1), except that the Secretary may refuse to relay any information to such official if he is the chief driver licensing official of a participating State that is not in compliance with the provisions of section 206.

(b)(1) The Administrator of the Federal Aviation Administration, for purposes of requesting information regarding any individual who has applied for, or received, a license to pilot an aircraft, may request the chief driver licensing official of the State in which the primary office of the Administrator is located, if such State is a participating State, to obtain information under subsection (a) regarding such individual. The Administrator may receive any such information obtained by such chief driver licensing official regarding such individual.

(2) The Chairman of the National Transportation Safety Board, for purposes of requesting information regarding any individual who is the subject of any accident investigation conducted by the Board, may request the chief driver licensing official of the State in which the primary office of the Chairman is located, if such State is a participating State, to obtain information under subsection (a) regarding such individual. The Chairman may receive any such information obtained by such chief driver licensing official regarding such individual.

(3) Any employer of any individual who is employed as a driver of a motor vehicle, or any prospective employer of any individual who seeks employment as a driver of a motor vehicle, may request the chief driver licensing official of the State in which the individual involved is employed, or seeks employment, if such State is a participating State, to obtain information under subsection (a) regarding such individual. Such employer or prospective employer may receive any such information obtained by such chief driver licensing official regarding such individual.

(4) Any individual, for purposes of requesting information regarding such individual, may request the chief driver licensing official of any participating State to obtain information under subsection (a) regarding such individual. Such individual may receive any such information obtained by such chief driver licensing official regarding such individual.

(5) Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(c) The Secretary shall permit the use of any information maintained by the Secretary relating to the operation of the Register and any information contained in the Register, other than information specified in paragraph (1) or (3) of section 206(b), by any person who requests such information for purposes of conducting statistical research relating to the operation or utilization of the Register. Such person shall pay all direct costs of the processing of such request. Any such request shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

(d) Any request for, or receipt of, information by means of the Register system shall be subject to the provisions of sections 552 and 552a of title 5, United States Code, and any other applicable Federal law, except that—

(1) the Secretary shall not relay, or otherwise transmit, information specified in paragraph (1) or (3) of section 206(b) to any person not authorized by this section to receive such information;

(2) any request for, or receipt of, information by any chief driver licensing official, or by any person authorized by subsection (b) to request and receive information, shall be considered to be a routine use for purposes of section 552a(b) of title 5, United States Code; and

(3) any receipt of information by any person authorized by this section to receive information shall be considered to be a disclosure for purposes of subsection (c) of section 552a of title 5, United States Code, except that the Secretary shall not be required to retain the accounting made under paragraph (1) of such subsection for more than a seven-year period after the date of such disclosure.

CRIMINAL PENALTIES

SEC. 208. (a) Any person, other than an individual described in section 207(b)(4), who receives under section 207 information specified in paragraph (1) or (3) of section 206(b), the disclosure of which is not authorized by section 207, and who, knowing that disclosure of such information is not authorized, willfully discloses such in-

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formation, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

(b) Any person who knowingly and willfully requests or obtains under false pretenses information specified in paragraph (1) or (3) of section 206(b) from any person who receives such information under section 207 shall be fined not more than $10,000 or imprisoned not more than one year, or both.

ADVISORY COMMITTEE

SEC. 209. (a) There hereby is established a National Driver Register Advisory Committee, which shall advise the Secretary concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding motor vehicle driving records.

(b) The Advisory Committee shall consist of fifteen members, appointed by the Secretary, as follows:

(1) Three members from among individuals who are specially qualified to serve on the Advisory Committee by virtue of their education, training, or experience, and who are not employees of the Federal Government or of any State; and

(2) Twelve members, geographically representative of the participating States, from among individuals who are chief driver licensing officials of participating States.

(c)(1) Except as provided in paragraph (2) and paragraph (3), each member of the Advisory Committee shall be appointed for a term of three years.

(2) Of the members first appointed—

(A) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of one year;

(B) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of two years; and

(C) one of the members described in subsection (b)(1) and four of the members described in subsection (b)(2) shall be appointed for a term of three years;

as designated by the Secretary at the time of appointment.

(3) Any vacancy in the Advisory Committee shall be filled in the same manner as original appointments. Any member appointed to fill any vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor has taken office.

(d) The members of the Advisory Committee shall serve without compensation, but the Secretary is authorized to reimburse such members for all reasonable travel expenses incurred by them in attending the meetings of the Advisory Committee.

(e)(1) The Advisory Committee shall meet not less than once each year.

(2) The Advisory Committee shall elect a Chairman and a Vice Chairman from among the members of the Advisory Committee.

(3) Eight members of the Advisory Committee shall constitute a quorum.

(4) The Advisory Committee shall meet at the call of the Chairman or a majority of the members of the Advisory Committee.

(f) The Advisory Committee may receive from the Secretary such personnel, penalty mail privileges, and similar services, as the Secretary considers necessary to assist it in performing its duties and functions under this section.

(g) Not less than once each year, the Advisory Committee shall prepare and submit to the Secretary a report concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exhanging information regarding motor vehicle driving records. Such report shall include any recommendations of the Advisory Committee for changes in the Register system.

(h) The Advisory Committee shall be exempt from the requirements of section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix).

REPORT BY SECRETARY

SEC. 210. Not later than the expiration of the nine-year period following the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the extent and level of participation in the Register system, and the effectiveness of such system in the identification of unsafe drivers. Such report shall include any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond the period of authorization provided in section 211.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 211. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title for fiscal year 1983, and for each of the succeeding nine fiscal years.

Amend the title so as to read:

To amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals.

INTRODUCTION

Over 25,000 people die in this country each year in traffic accidents related to the consumption of alcohol. This total represents about half of all traffic fatalities that occur in the nation. Despite the tragic makeup of these simple facts, more needs to be done to encourage state and local governments to address the problem in a coordinated fashion through the utilization of techniques and methods that have a record of demonstrated effectiveness.

The Committee has received testimony from disparate interested parties on the need to enact legislation that might provide states with such an incentive. 121 Members have joined in sponsoring H.R. 6170, and other Members have sponsored other bills designed to address the problem.

While the committee is gravely concerned by the tragic proportion of the drunk driving problem, it has elected not to dictate to the states how each should address the issue. The Committee remains mindful of the legitimate right of the states to correct the problem in the manner and to the extent each determines to be most appropriate.

Because of the total amount of death and destruction that does occur on our roads, and because of the Federal Government's established interest in highway safety, the Committee believes that the Federal Government ought to encourage, but not coerce, the states to handle the problem.

H.R. 6170 balances the Committee's conflicting concerns. Essentially, it creates a three-year program to provide financial grants from the highway trust fund to those states which adopt effective programs to combat drunk driving. To qualify for a grant, the state programs would have to meet criteria established by the Secretary of Transportation in consultation with states, local governments, appropriate Federal departments and agencies, and other public and nonprofit organizations. The bill suggests several criteria the Secretary shall consider as state program components that may be required in determining a state's eligibility. Each state whose program is accepted could generally receive Federal funding of 75 percent of the program's first year's cost, 50 percent of the second year's cost, and 25 percent of the third year's cost.

Title II of the bill establishes a National Driver Register. This is designed to address the problem that arises when chronic traffic law violators, their licenses revoked in one state, travel to and re-

ceive licenses in another state. There presently exists no efficient effective way for a state licensing agency to ascertain and applicant's previous record. The Committee, in its hearings, received testimony indicating that many such cases are known where violators have had their licenses revoked in state after state, only to have new licenses issued in other states which have no practical way of knowing the applicant's previous record.

The electronic national Driver Register created in H.R. 6170 would enable a state licensing agency to determine, in a timely manner, whether an applicant has had any action taken against his driving privileges in some other state. A State's participation in the Register is purely voluntary.

TITLE I

SECTION 101. ALCOHOL TRAFFIC SAFETY

This section amends Section 402 of title 23, U.S. Code, by adding a new subsection (k) providing incentive grants to States that have in place and implement or adopt and implement (by legislation, regulation, or otherwise) effective programs to reduce the drunk driving problem. Whether a State qualifies for the grant in any fiscal year will be determined by its compliance with criteria that the Secretary of Transportation will issue by regulation. The States may use the funds they receive under this program only for alcohol safety purposes. Projects in other highway safety areas, eligible for funding under the regular Section 402 State and Community Highway Safety Program, are not eligible for funding under this incentive grant program unless they are related to the alcohol traffic safety program.

Subsection (k) (2) requires each State that receives incentive funds as a a condition for the receipt of the funds to maintain its funding for alcohol safety, excluding incentive grant funds, at the level representing an average of total funds spent during the two years preceding the enactment of this program.

Subsection (k) (3) limits the amounts that can be awarded under the incentive grant program. No State may receive grants for more than three fiscal years. The amount awarded to a State in any fiscal year is a function of the State's cost of implementing and enforcing the alcohol traffic safety program outlined by the Secretary in regulations. During the first fiscal year in which a State qualifies for an award, the Secretary shall reimburse the State for 75 percent of the costs of its alcohol traffic safety program. During the second and third fiscal years in which a State qualifies, the Secretary shall reimburse the State for 50 percent and 25 percent, respectively, of its costs in this area. It is the intent of the Committee that non-Federal share for grants awarded under this section may be provided from alcohol safety funds which are required under subsection (k) (2) to be maintained by each State as a condition of assistance. In addition, there is a ceiling that limits the award a State can receive in any fiscal year to 50 percent of the amount apportioned to the State under the regular Section 402 Highway Safety Program.

Subsection (k) (4) directs the Secretary to work with the States, other public agencies and nonprofit organizations to set criteria by which he can determine whether a State's alcohol safety program qualifies for an incentive grant. During the rulemaking to determine the necessary criteria for an effective alcohol traffic safety program, the Secretary shall consider changes in State law such as the following:

(1) Providing that a person with a blood alcohol concentration (BAC) of 0.10 percent or greater when driving shall be deemed to be driving while intoxicated;

(2) Raising the perceived threat of apprehension through greater enforcement by the police and highway patrol and more warnings via television, radio, the press, and the schools;

(3) Establishing or expanding a Statewide driver record system readily accessible to the courts and the public which can identify drivers repeatedly convicted of drunk driving;

(4) Mandating administrative suspension or revocation of the license of any driver whose blood alcohol concentration equals or exceeds 0.10 percent or who refuses a chemical test for blood alcohol;

(5) Empowering the courts to make recommendations to State motor vehicle officials when they exercise their authority to suspend or revoke driver licenses;

(6) Providing the courts with authority to conduct presentence screenings of convicted drunk drivers which would aid the courts in selecting the sanctions most appropriate for the convicted drivers;

(7) Affording the courts a wide array of sanctions from which to choose for punishing and treating convicted drunk drivers, e.g., community service, fines, imprisonment, education, and treatment. These sanctioning options provide the courts discretion to fashion sentences most appropriate to the circumstances;

(8) Establishing an alcohol traffic safety program in each major political subdivision (e.g., major cities and heavily populated counties) that is controlled at the local level, and permitting each local program to retain fines and other monies collected from convicted drunk drivers so that it can become financially self-sufficient.

The Committee directs that the Secretary not promulgate any regulation or otherwise take any action relative to a blood alcohol test pursuant to this section without first determining that such test is a reliable method for measuring blood alcohol concentration and is administered in a reasonable and appropriate manner. The Committee expresses a preference for the use of the breathalyzer test for determining blood alcohol concentration.

Subsection (k)(5) creates a separate three-year authorization for the incentive grant program. It authorizes out of the Highway Trust Fund $25 million for fiscal year 1983 and $50 million per fiscal year for fiscal year 1984 and fiscal year 1985.

SEC. 102. REGULATIONS

This section mandates a rulemaking schedule for setting criteria that would outline the minimum program needed for an effective anti-drunk driving program. During the rulemaking period, the

Secretary shall allow public comment and hold public hearings to encourage maximum citizen participation.

Before Feburary 1, 1983, the Secretary must publish the final rule in the Federal Register and transmit it to the Congress. Unless either House of Congress disapproves by a simple veto resolution, the final rule shall become effective April 1, 1983.

If either House of Congress disapproves the final rule, the Secretary shall not obligate incentive grant funds for FY 1983 or any subsequent fiscal year unless Congress authorizes him to do so by statute.

TITLE II

SEC. 201. SHORT TITLE

This section provides that this Title may be cited as the "National Driver Register Act of 1982."

SEC. 202. DEFINITIONS

This section provides definitions pertinent to the operation of this Title.

SEC. 203. REPEAL OF EXISTING STATUTE

This section repeals P.L. 86-660, authority for establishment of the existing National Driver Register, effective at the expiration of the four-year period following the date of enactment of this Act.

SEC. 204. ESTABLISHMENT OF REGISTER

This section requires the Secretary, as soon as practicable after the date of enactment of this Title, to establish and maintain an updated, electronic Register, to be known as the "National Driver Register," to assist the States in rapidly exchanging driving record information on problem drivers. Once in full operation, the Register will serve as an index which points inquiring States to those States, if any, which have taken adverse driver licensing actions against any individual inquired about. The use of the Register to relay the exchange of data between States is to be accomplished without the capability on the part of the Register to intercept such exchanges. Also, the Secretary is not to be responsible for the accuracy of any data or information relayed by the Register, except that the Secretary is required to maintain the Register in a manner that ensures against any inadvertent alteration of information during any such relay.

The Secretary is prohibited from maintaining in the Register any report or information which was compiled under the authority of Public Law 86-660 and transferred to the Register after seven years after the date such report or information is entered into the Register. The disposal of such reports or information shall be made in accordance with chapter 33 of title 44, U.S. Code. The Secretary is given the authority to prescribe such regulations as may be necessary to carry out the provisions of this Title.

SEC. 205. STATE PARTICIPATION

This section provides that State participation in the Register is voluntary, and that any State may participate by notifying the Secretary of its intention to be bound by the provisions of section 206 of this Title.

SEC. 206. REPORTS BY CHIEF DRIVER LICENSING OFFICIALS

This section provides (a) the categories of adverse driver licensing actions for which reports on individuals are to be prepared by the chief driver licensing officials of the States and (b) the required categories of data elements needed to identify individuals for such reports.

SEC. 207. ACCESSIBILITY OF REGISTER INFORMATION

This section limits the accessibility of the Register's information to the States' chief driver licensing officials and, through them, to the Chairman of the National Transportation Safety Board, the Federal Aviation Administration, employers of individuals who are employed as drivers of motor vehicles or who seek such employment who request the transmittal of such information, and any individual in order to (1) determine whether the Register is providing any data regarding him or the accuracy of any such data or (2) obtain a certified copy of data provided through the Register regarding him. Any request for, or receipt of, information by means of the Register is subject to the provisions of the Freedom of Information Act and the Privacy Act and any other applicable Federal or State law, except that (1) the Secretary is prohibited from relaying or transmitting Register data or information to any person not authorized by this Title to receive it; (2) any request for, or receipt of information by any person authorized by this Title to request and receive such information, shall be considered to be a "routine use" for the purposes of the Privacy Act (section 552a(b) of title 5, U.S. Code); and (3) any receipt of information by any person authorized by this Title to receive Register information is to be considered a disclosure for the purposes of the Privacy Act (section 552a(c) of title 5, U.S. Code).

SEC. 208. CRIMINAL PENALTIES

This section provides criminal penalties for unauthorized receipt or disclosure of Register information in the amount of fines of not more than $10,000 of imprisonment for not more than one year, or both.

SEC. 209. ADVISORY COMMITTEE

This section establishes a National Driver Register Advisory Committee comprises of fifteen members appointed by the Secretary to provide advice and assistance concerning the efficiency of the maintenance and operation of the Register, and the effectiveness of the Register in assisting States in exchanging information regarding the motor vehicle driving records. The Advisory Committee will be composed of members possessing expertise, experience,

and training related to the activities of the Register, and chief driver licensing officials of participating States. The Advisory Committee shall prepare and submit to the Secretary an annual report along with any recommendations for changes in the Register system. The Committee assumes that there will be extensive consultation between the Advisory Committee and the Secretary.

SEC. 210. REPORT BY SECRETARY

This section provides that the Secretary prepare and submit a report to Congress setting forth the extent and level of participation in the Register system and the effectiveness of the system in the identification of unsafe drivers. This report is due not later than the expiration of the nine-year period following the date of enactment of this Title.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS

This section provides an authorization of appropriations of such sums as are necessary for expenses incurred under this Act.

COMPLIANCE WITH CLAUSE 2(L) OF RULES XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, there have been no separate findings and recommendations on the subject matter of this legislation submitted by the Subcommittee on Investigations and Oversight.

(2)Pursuant to clause 4(c)(2) of rule X and clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the committee by the Committee on Government Operations.

(3) Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives requires that the report of any Committee on a measure which has been approved by the Committee shall include the statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974, if the measure provides new budget authority or new or increased tax expenditures.

With respect to section 308(a)(1) (A) and (B), the letter submitted by the Director of the Congressional Budget Office under (4) below satisfies the requirement.

With respect to section 308(a)(1)(C), of the Congressional Budget and Impoundment Control Act of 1974, virtually all new budget authority provided in the reported bill is for financial assistance to State and local governments, except for normal administrative expenses to carry out the programs requiring direct Federal administration, such as establishment and maintenance of the National Driver Register.

(4) With respect to clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the Committee has received the following report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act.

The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 23, 1982.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6170, a bill to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACK
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6170.

2. Bill title: A bill to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, September 23, 1982.

4. Bill purpose: This bill establishes a special incentive program for states that adopt and implement alcohol traffic safety programs. There is authorized to be appropriated from the Highway Trust Fund $25 million for 1983, and $50 million for each of the years 1984 and 1985 to encourage program implementation. The federal share for such programs will be 75 percent the first year of state implementation, 50 percent the second year, and 25 percent the third year. No state may receive grants for more than three fiscal years.

5. Cost estimate:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Authorization level	25.0	50.0	50.0		
Estimated outlays	12.5	37.5	50.0	25.0	

The costs of this bill fall within budget function 400.

6. Basis of estimate: All funds authorized are assumed to be appropriated. The authorization amounts are those stated in the bill.

It is assumed that regulations proposed by the Department of Transportation would become effective April 1, 1983 and the Secretary would be able to obligate funds at that date. The outlay estimates are based on the historical experience of similar grant programs.

7. Estimate comparison: None.

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8. Previous CBO estimate: H.R. 6170 was contained as a section in H.R. 6211, Title II, the Highway Safety Act of 1982, as ordered reported by the House Committee on Public Works and Transportation, May 17, 1982. The authorization levels and estimated outlays are identical to those in this bill.

9. Estimate prepared by: Patrick J. McCann (226-2860).

10. Estimate approved by: C. G. Nuckols, (For James L. Blum, Assistant Director for Budget Analysis).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 23, 1982.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2052, the National Driver Register Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACK
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 2052.

2. Bill title: National Driver Register Act of 1983.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, September 23, 1982.

4. Bill purpose: The National Driver Register Act establishes a national driver log to assist state driver licensing officials in exchanging information regarding the motor vehicle driving records of certain problem drivers.

5. Cost estimate:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
Estimated authorization level	3.0	1.3	1.5	1.6	1.7
Estimated outlays	2.5	1.7	1.6	1.6	1.7

The costs of this bill fall within budget function 400.

6. Basis of estimate: Section 11 of the bill authorizes such sums as may be necessary to carry out the provisions of the bill. It is estimated, based on Department of Transportation testimony before the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science and Transportation, that it will cost approximately $2 million initially to upgrade the existing National Driver Register from a manual to an electronic system and approximately $1 million to maintain and administer

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the system in 1983, with increases for inflation in subsequent years.

7. Estimate comparison: None.

8. Previous CBO estimate: On April 13, 1982 the Congressional Budget Office prepared a cost estimate on S. 2158, as ordered reported by the Senate Committee on Commerce, Science and Transportation, March 29, 1982. The Senate bill authorized to be appropriated $2 million for establishing the register and $1.2 million in 1983, $1.5 million in 1984 and $2.1 million in 1985 for carrying out the responsibilities associated with the driver register program and a pilot demonstration.

On May 17, 1982 a cost estimate was prepared for H.R. 6211, as ordered reported by the House Committee on Public Works and Transportation, May 17, 1982. H.R. 6211 authorized the appropriation of $2 million to establish an electronic register and $1.0 million in 1983, $1.3 million in 1984, $1.6 million in 1985, and $1.6 million in 1986 to carry out responsibilities associated with the driver register.

9. Estimate prepared by: Patrick J. McCann (226–2860).

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Cost of Legislation

In accordance with Rule XIII(7) of the Rules of the House of Representatives, the cost to the United States in carrying out H.R. 6170, as reported, in fiscal year 1983, and in each of the five following fiscal years, is estimated by the Committee to be costs which appears in the report of the Congressional Budget Office.

Vote

The Committee ordered the bill reported by a voice vote.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Section 402 of Title 23, United States Code

§ 402. Highway safety programs.

(a) * * *

* * * * * * *

(k)(1) Subject to the provisions of this subsection, in addition to other grants authorized by this section, the Secretary shall make grants to those States which adopt and implement effective programs to reduce traffic safety problems resulting from persons driving while under the influence of alcohol. Such grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to implement and enforce such programs.

(2) No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

(3) No State may receive grants under this subsection in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(A) in the first fiscal year the State receives a grant under this subsection, 75 per centum of the cost of implementing and enforcing in such fiscal year the alcohol traffic safety program adopted by the State pursuant to paragraph (1);

(B) in the second fiscal year the State receives a grant under this subsection, 50 per centum of the cost of implementing and enforcing in such fiscal year such program; and

(C) in the third fiscal year the State receives a grant under this subsection, 25 per centum of the cost of implementing and enforcing in such fiscal year such program;

except that the Secretary may not make grants under this subsection to a State in any fiscal year the aggregate amounts of which exceed 50 per centum of the amount apportioned to such State for such fiscal year under subsection (c) of this section.

(4) The Secretary may only establish the criteria required by paragraph (1) in cooperation with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate. In establishing such criteria, the Secretary shall consider legislation which enhances the implementation of comprehensive State and community-based programs to effectively reduce traffic safety problems resulting from persons driving while under the influence of alcohol with provisions such as enhanced enforcement supported by public information; enactment of a statue providing that a person with a blood alcohol concentration of .10 per centum or greater when driving a vehicle shall be deemed to be driving while intoxicated; a statewide driver record system from which repeat offenders may be identified and which is easily accessible to the courts and the public; administrative suspension or revocation by the State licensing agency of the drivers' license of each offender; empowering the courts to make recommendations concerning suspension or revocation of drivers' licenses of offenders; providing the courts with presentence screening authority and with the following sanction options for all persons convicted of driving while intoxicated: community service, fines, imprisonment, and attendance in either an alcohol safety education or treatment program; and providing for locally coordinated alcohol traffic safety programs in each major political subdivision of the State which are administered by local officials and are financially self-sufficient.

(5) Funds for grants under this subsection shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this subsection, out of the Highway Trust Fund, $25,000,000 for fiscal year ending September 30, 1983, and $50,000,000 per fiscal year for each of the fiscal years ending

September 30, 1984, and September 30, 1985. No part of the sums authorized by this subsection shall be apportioned as provided in subsection (c).

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PUBLIC LAW 86-660 [1]

[AN ACT To provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

[SEC. 2. Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register established under the first section of this Act, and such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

[SEC. 3. As used in this Act, the term "State" includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.]

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[1] This provision is effective at the expiration of the four-year period following the date of the enactment of this Act.